

1 Jessica L. Blome (State Bar No. 314898)
2 Lily A. Rivo (State Bar No. 242688)
GREENFIRE LAW, PC
2748 Adeline Street, Suite A
3 Berkeley, CA 94703
Ph/Fx: (510) 900-9502
4 Email: jblome@greenfirelaw.com
lrivo@greenfirelaw.com
5

6 *Attorneys for Plaintiff Deniz Bolbol*

7 JOSEPH P. CUVIELLO
205 De Anza Blvd., #125
8 San Mateo, CA 94402
Telephone: (650) 315-3776
9 Email: pcuvie@gmail.com

10 *Plaintiff in pro per*

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 JOSEPH P. CUVIELLO and DENIZ
BOLBOL, individually,

14 PLAINTIFFS.

15 v.
16

ROWELL RANCH RODEO, INC.;
HAYWARD AREA RECREATION AND
PARK DISTRICT; HAYWARD AREA
RECREATION AND PARK DISTRICT
PUBLIC SAFETY MANAGER/RANGER
KEVIN HART; ALAMEDA COUNTY
SHERIFF'S OFFICE; ALAMEDA
COUNTY DEPUTY SHERIFF JOSHUA
MAYFIELD; and DOES 1 and 2, in their
individual and official capacities, jointly and
severally,

17 DEFENDANTS.
18
19
20
21
22
23
24

Case No. 3:23-cv-01652-VC

**DECLARATION OF MICHAEL SAGE
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Judge: Hon. Vince Chhabria
Dept: Courtroom 5 – 17th Floor

25 I, Michael Sage, declare as follows:

26 1. I have personal knowledge of the facts declared herein and will competently

27
28

1 testify to them if called upon to do so. I am submitting this declaration in support of Plaintiffs'
2 Motion for Partial Summary Judgment.

3. I have been an advocate for animal rights for approximately 17 years and attend
4 protests organized by Pat Cuviello and Deniz Bolbol as well as participate in other animal rights
5 protests, educational outreach efforts and other activities that promote animal welfare. The first
6 animal rights protest I participated in was at a Starbucks in the city of Mountain View,
7 California, in approximately 2006. In 2007, I participated in a monthly animal rights protest at a
8 KFC (Kentucky Fried Chicken) in San Jose. From December 2007 to November 2008, I
9 participated in California's YES ON PROP 2 ("Prevention of Farm Animal Cruelty Act")
10 campaign which was supported by the Humane Society of the United States and other groups.
11 After November 2008 I was active in Santa Clara County Activists for Animals and participated
12 in various animal rights protests and leafletings, and sometimes traveled to Sacramento to
13 express support for animal-friendly bills in legislative committee hearings.

14. When attending protests organized by Plaintiffs, my speech and association
15 focuses on the abuse and mistreatment of animals by rodeos or circuses which is of great public
16 concern locally, nationally, and internationally. I know that previously Pat and Deniz have had to
17 go to court to stop other venues from violating free speech rights at protests they organize. I trust
18 that Plaintiff Cuviello understands the details of our legal rights to protest peacefully and legally.

19. As an advocate for animal welfare and for ethical and kind treatment of animals,
20 I consider myself an "Animal activist," and I have signed petitions and taken other actions to
21 encourage the adoption of legislation to protect animals.

22. I have sought and will continue to seek out opportunities to demonstrate at
23 events that abuse and mistreat animals, such as Rowell Ranch Rodeo.

24. I have participated in a protest at Rowell Ranch Rodeo for several years. I plan to
25 continue to demonstrate at Rowell Ranch Rodeo Park ("Rodeo Park") in the future. When at the
26 2022 protest at the Rodeo Park I held a sign that read, "Are You Tough Enough To Be Kind To
27 Animals?"

1 7. While demonstrating, I offer informational leaflets to people with a calm voice,
2 respectful demeanor, and make direct eye contact. I find this type of one-on-one communication
3 is the most effective means of communicating our message because I am interested to speak with
4 the patrons and get their thoughts and share our leaflets too.

5 8. I do not block the entrances or exits, nor do I interfere with patrons' and event
6 staff's ability to enter or exit the venues.

7 9. When I attended the 2022 protest, the rodeo staff, Alameda County Sheriff
8 Deputies and an individual who I now know was a HARD representative tried repeatedly to get
9 us to go to the laughably-named "free speech zone" that was far from the foot traffic of patrons
10 entering the rodeo grounds. Standing in that "free speech zone" would have made effectively
11 communicating our message difficult, if not impossible. It was clear the rodeo staff, who
12 appeared to be in charge and repeatedly told us we could not stand near the entrance and had to
13 move to the "free speech zone," did not like our messages regarding the abuse of the animals
14 used by the rodeo. The rodeo employee, who I now know is Rowell Ranch Rodeo employee
15 Gary Houts, was harassing Pat and Deniz and even grabbed their banner. Deniz repeatedly told
16 him to stop touching them. Mr. Houts later pushed me in an attempt to intimidate me as I was
17 standing with my sign and leaflets; Deniz told Mr. Houts to stop touching me. The rodeo staff's
18 aggressive and hostile treatment towards us made clear to me that they did not like our point of
19 view, specifically, our message about animal cruelty at rodeo events, and accordingly did not
20 want us there.

21 10. At some point, approximately four Alameda County Sheriff deputies arrived. I
22 understood that the Sheriff Deputies and an individual who I now know to be HARD
23 representative Kevin Hart were working together and were there because the Rowell Ranch
24 Rodeo people didn't like us protesting. Because the HARD representative Hart and the Sheriff
25 Deputies were working together they appeared to me to speak with one voice, often repeating the
26 same messages that we needed to move to the "free speech zone."

1 11. I heard Pat repeatedly ask an officer, who I now know was Sheriff Deputy
2 Mayfield if the Deputy would arrest Pat if he did not move. I heard the Deputy tell Pat he did not
3 have to tell him if he would be arrested and that Pat needed to move. The Sheriff Deputy and
4 HARD representative Hart said a lot of things in an attempt to intimidate us and to cause us to
5 move to the “free speech area” – we were in essence threatened with arrest if we did not move.
6

7 12. Pat then told the Deputy Mayfield, who was in full uniform, to call his “watch
8 commander” and that he did not want to be arrested and that Mayfield needed to tell us if we
9 were going to be arrested before arresting us. The Deputy Mayfield said he did not have to warn
10 us before arresting us.

11 13. After repeatedly telling us we had to move, Deputy Mayfield and HARD
12 representative Hart asked Pat if he was going to leave. After Pat said he would not leave, the
13 Deputy Mayfield and HARD representative Hart asked Deniz if she would leave. After Deniz
14 said she would not leave, Deputy Mayfield and HARD representative Hart asked me if I would
15 leave. I said I would not leave the area either, after hearing both Pat and Deniz saying they would
16 not leave the area and knowing from my previous experience that we were not disobeying the
17 law.

18 14. Deputy Mayfield and HARD representative Hart proceeded to individually ask
19 each protester if they would leave – which seemed to be a police tactic to indicate that something
20 bad could happen to each of us if we did not leave. I considered this to be a tactic of intimidation
21 to make us afraid and pressure us to move. But because we are peaceful, do not block exit or
22 entrance and are familiar with our rights, we would not leave. People not accustomed to this type
23 of police harassment and with less knowledge of the law would probably have felt intimidated to
24 move.

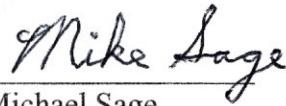
25 15. The Sheriff Deputy then went to his Sheriff vehicle and made a phone call which
26 I presumed was to his “watch commander” as Pat had asked him to do. After that the group of
27 law enforcement – the other Sheriff Deputies were standing around Deputy Mayfield and HARD
28 representative Hart when they were talking with us – stopped asking us to move to the “free

1 speech zone." Shortly thereafter, Deputy Mayfield then started to harass me by telling me many
2 times to not to stand in the middle of the pathway despite the fact that I was not interfering with
3 the entrance or exit of patrons or staff to the rodeo grounds. This harassment interfered with my
4 exercising my free speech as I felt less free in moving around the area.

5

6 I make this declaration under penalty of perjury under the laws of the United States of
7 America, executed this 9 th day of May 2024 in Belmont, California.

8

9 
10 Michael Sage

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28